

-28-(Unchanged)

The method of Claim 27 wherein the mixture is from a tart cherry.

-29-(Unchanged)

The method of Claim 27 wherein the mixture is from a sweet cherry.

-30-(Unchanged)

The method of Claim 27 wherein the mammal is human.

-34-(Unchanged)

The method of Claim 27 wherein the anthocyanin is selected from the group consisting of cyanidin-3-glucosylrutinoside, cyanidin-3-rutinoside, or cyanidin-3-glucoside, and mixtures thereof.

REMARKS

Claims 1, 3 to 6, 15 to 18, 27 to 30 and 34 are pending. Claims 31 to 33 have been cancelled. No claims are allowed.

Claims 1 and 27 have been amended to call for the mixture of cyanidin and an anthocyanin which is hydrolyzable to cyanidin. The presence of cyanidin in cherries is clearly disclosed on page 2, line 29 to page 3, line 14 of the specification. The resin extraction process produces this mixture. Example 4 clearly

discusses the specific anthocyanins which are hydrolyzed to cyanidin. Thus Claims 1, 3 to 6, 15 to 18 and 27 to 29 and 34 as amended are fully in the specification and there is clearly no New Matter Under 35 USC 112, first paragraph. Reconsideration is requested.

Claims 1, 3 to 6, 15 to 18 and 27 to 34 were rejected over Lietti et al (GB 1,598,294) in view of Wurm et al (1982). If the structures on page 2062 of Wurm et al are compared with those of Figure 1 in the application, it will be seen that the central O-containing ring is different in the 4-position. There are two substituents (R_1 and R_2 , i.e. $-CH_2-$; Figure 6) in this position in Wurm et al, whereas the cyanidin glycosides contain only a $-CH-$ with two double bonds, rather than one as in Wurm, et al in the central O-containing ring. Thus Wurm et al do not describe the claimed cyanidin based anthocyanins.

Thus the combination of Lietti et al and Wurm do not produce the claimed invention. Neither reference describes the compositions of the pending claims. Reconsideration of this rejection is requested.

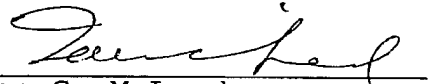
Entry of this Amendment to place the claims in condition for allowance is requested. The amendments limited the broadest claims to the enabled disclosure of the particular anthocyanins.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attachment is captioned "VERSION WITH MARKINGS TO

SHOW CHANGES MADE."

It is now believed that Claims 1, 3 to 6, 15 to 18, 27 to 30 and 34 are in condition for allowance. Notice of Allowance is requested.

Respectfully,

By: 
Ian C. McLeod
Registration No. 20,931

McLeod & Moyne, P.C.
2190 Commons Parkway
Okemos, Michigan 48864
(517) 347-4100
Fax: (517) 347-4103

Enclosure: Translation of Wurm et al, German
Pharmaceutical Journal, Volume 122, no. 41,
October 14, 1982

Version with markings to show changes made

-1-(Third Amended)

A method for inhibiting cyclooxygenase or prostaglandin H synthase enzymes which comprises:

providing a mixture of cyanidin and an anthocyanin which is hydrolyzable to cyanidin so that the cyanidin and anthocyanin inhibit the enzymes.

5

-5-(Twice Amended)

The method of Claim 1 wherein the mixture [cyanidin] is from a tart cherry.

-6-(Twice Amended)

The method of [any one of] Claim 1 wherein the mixture [cyanidin] is from a sweet cherry.

-15-(Twice Amended)

The method of Claim 1 wherein the mixture of cyanidin and anthocyanin is contained in a composition which comprises a dried mixture of bioflavonoids and phenolics from the cherries and a food grade carrier.

-27-(Twice Amended)

A method for inhibiting inflammation in a mammal which comprises:

administering to the mammal a mixture of cyanidin and an anthocyanin which is hydrolyzable to cyanidin so that the mixture inhibits the inflammation.